



ALFRED POLIZZOTTO (1935-2001)
ALFRED POLIZZOTTO III*

EMILIO RODRIGUEZ

*(ADMITTED NEW YORK, NEW JERSEY)

LONG ISLAND OFFICE
1129 Northern Boulevard, Ste 404
Manhasset, New York 11030

November 5, 2021

VIA ELECTRONIC FILING

The Honorable Gabriel W. Gorenstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Erdman v. Victor 20-cv-4162

Dear Judge Gorenstein:

This letter is written to you in accordance with the Civil Case Management Plan dated September 2, 2021, in particular Section 8(g) regarding modification of plan deadlines by written consent of the parties.

The parties conferred via telephone at 5:30 pm yesterday and have agreed to extend the time to respond to our requests for documents, served on October 4, 2021, from November 4, 2021 to November 11, 2021. The vendor used by the Defendant for purposes of the document production anticipates a production of about 328,000 pages. The imaging process and setting up the metadata for that many pages takes time, and consequently Defendant will be requesting additional time to respond to Plaintiff's document request, which will inevitably affect the deadline for depositions as well as the overall deadline for fact discovery. According to the document vendor, the process of imaging and exporting that many documents will take approximately 27 days, give or take. Plaintiff has not consented to a modification of that length, which is why Defendant is informing the court ahead of time. Plaintiff has also informed the

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Defendant that he anticipates producing over 30,000 pages. My office will certainly need more than 30 days to review that many documents. The determination of the amount of time needed will depend upon factors such as whether a document review team needs to be hired, and other such measures.

The parties to this case are also involved in litigation in the Supreme Court of the State of New York – New York County. The United States Department of Justice has moved for a protective order in this litigation and informed us that they will also be submitting an application for a protective order in this case. The protective order has to do with certain topics related to national security that they wish to be deemed off-limits during discovery.

Between the size of the productions, and the imminent involvement of the Department of Justice, we anticipate there will be a need to extend some of the deadlines contained in the Civil Case Management Plan and Scheduling Order by approximately 30 days for document production and for depositions of the parties for approximately 30 days thereafter.

Do not hesitate to contact us with any questions or comments.

Yours faithfully
Polizzotto & Polizzotto, LLC



Alfred Polizzotto III